

Remarks:

This application has been reviewed carefully in light of the Office Action mailed April 24, 2009. In the Office Action, the specification was objected to for a lack of section headings. Claim 1 was rejected under 35 U.S.C. § 112 for allegedly lacking enablement. Claims 1-3 were rejected under 35 U.S.C. § 103(a), as being unpatentable over British Thomson-Houston, U.K. Patent GB 216136, in light of Jespersen, U.S. Patent No. 3,695,577.

To better claim the applicants' invention, claims 1-3 have been canceled and new claims 4-17 have been presented. These claims are fully disclosed in the specification and drawings. No new matter has been added.

The above-described objections and rejections are addressed as follows.

I. Objection to the Specification

The applicant has amended the specification in accord with the requirement of the Office Action. Because the specification sections now have headings, the applicant respectfully requests the objection to the specification be withdrawn.

II. 35 U.S.C. § 112 Rejection

The language of claim 1 identified as not enabled is not present in any of the pending claims.

III. 35 U.S.C. § 103(a) Rejection

While claims 4-17 have yet to be considered, the applicants would like to illuminate some of the advantageous features of the present invention. The environment of a turbocharger is structurally challenging for 5 any type of active mechanism. There can be high levels of vibration, significant temperature variations, and large temperature and pressure gradients across various parts of the turbocharger. Moreover, the production of turbochargers is a very competitive business, and both the reliability and the cost efficiency of a turbocharger are critical to maintaining 10 sales.

To these ends, the present invention provides a valve structure that is extremely simple, inexpensive to manufacture, reliable and easy to both install and calibrate despite the need for it to function between passages internal to the housing. The cited references are for valves of much greater 15 complexity, and that are configured to be used with machinery that allow the valve to be externally accessed and adjusted. As such, their configurations are not appropriate for integration in a turbocharger housing.

IV. Conclusion

In view of the foregoing, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

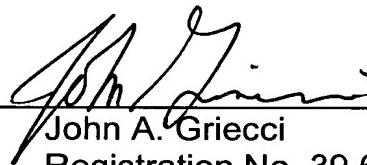
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Respectfully submitted,

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